

## II. REMARKS

### A. Introduction

In this Office Action claims 1-9 are noted as pending and are rejected.

In summary of this Response, claims 3 and 5-6 are canceled, claims 1, 4 and 7 are amended, and remarks are provided.

### B. Grounds for Entry of this Response Pursuant to 37 C.F.R. 1.116 and Allowance of this Application

Applicants request entry of this Rule 116 Response because: (a) a number of rejected claims, i.e., independent claim 5 and dependent claims 3 and 6, have been canceled; (b) it is believed that the amendment of independent claim 1 and dependent claims 4 and, along with the remarks herein, puts the pending claims into condition for allowance; (c) the amendment to these claims were not earlier presented because Applicants believed in good faith that the cited prior art did not disclose the present invention as previously claimed; and (d) the amendments should not entail any further search by the Examiner since no new features are being added or new issues being raised.

### C. Rejection of Claims 1 and 2 Under 35 U.S.C. § 103

These claims are rejected as being made obvious by Yamakawa, U.S. Patent No. 5,902,169. It is acknowledged in the Action that at page 3, last two lines, that Yamakawa fails to teach a four section link.

Independent claim 1 has been amended herein to incorporate the subject matter of now canceled claim 3, i.e., the four section link. As Yamakawa clearly fails to disclose such a four section link, it is respectfully submitted that claims 1 and 2 are not rendered obvious by Yamakawa.

### D. Rejection of Claims 5 and 9 Under 35 U.S.C. § 102(b)

These claims are rejected as being anticipated by Koguchi, U.S. Patent No. 4,913,676. The Action takes the position that this reference teaches, among other things, a four section link.

As noted above, claim 5 is canceled herein. Nevertheless, it is respectfully submitted that the present invention, as recited by either of independent claims 1 or 9, was neither anticipated nor rendered obvious by Koguchi.

As noted above, claim 1 is amended to include the limitations of canceled claim 3. Thus,

amended claims 1 and 9 include a four section link (link, frame, two swinging links), wherein a component of the four section link pivots at a point where it is attached to another component of the four section link, while frame (13) is fixed. Therefore, when one of the two swinging links (17) is rotated by the motor (12), the other one (18) of the two swinging links (and the link (37)) rotates so as to follow the movement of the one(17) of the two swinging links. This structure and operation is supported, e.g., in FIG. 5, page 2, line 19 to page 3, line 5, and page 10, line 5 through page 11, line 1 of the specification.

In contrast, Koguchi discloses a beak operating mechanism 106 including a loose cam mechanism 97, 98 from which extends an interlocking piece 99. Col. 6, lines 9-14 and 27-31 and col. 8, lines 12-22. The interlocking piece 99 has an integral connecting rod 100 that is rotatably inserted into slots 105 provided on laterally displaced beak mounting members 102. When the interlocking piece 99 moves in the direction shown by the arrows in FIGS. 2 and 5 (i.e., the piece 99 moving relatively downward in the Figures), **the connecting rod 100 merely slides within an elongated space defining the slots 105** ( see FIGS. 2 and 5, col. 6, lines 14-17, lines 23-23 and col. 8, lines 16-18). The sliding movement of the connecting rod 100 causes rotational movement of the beak mounting members 102 around the support shafts 103 fixed to the head 3. However, the interlocking piece 99 and the beak mounting members 102, at a minimum, do not form a coordinated pair, which constitutes the four section link, as recited in claims 1 and 9. Instead, the interlocking piece 99 merely slides within the elongated-shaped space of the slots 105.

E. Rejection of Claims 3-4 and 6-8 Under 35 U.S.C. § 103(a)

These claims are rejected as being made obvious by a combination of Yamakawa and Koguchi. As noted above, Yamakawa is cited for disclosing the recited features except the four section link for which Koguchi is cited.

As noted above, claims 3, 6 and 8 have been canceled. Further, claims 4 and 7, which has been amended to depend from claims 1 and 9, respectively, has been addressed above.

Initially, the above comments concerning the patentability of claims 1 and 9, from which claims 4 and 7 depend, respectively, are expressly incorporated herein, particularly in regard to Koguchi's failure to teach the recited four section link. As it is already admitted in the Action that Yamakawa also fails to include this teaching, these independent claims could not be rendered obvious by the cited combination. Further, claims 4 and 7 recite the additional limitations wherein the frame is arranged in a trunk portion of the toy, the first toy component is a lower jaw and the second toy component is an upper jaw. These features are not found in the prior art, in

association with the four section link recited in the independent claims.

III. CONCLUSION

In light of the above amendments and remarks, it is respectfully submitted that claims 1, 2, 4, 7 and 9 are now in condition for allowance.

If there are any additional fees associated with this Response, please charge same to our Deposit Account No. 19-3935.

Finally, if there are any formal matters remaining after this Response, the undersigned would appreciate a telephone conference with the Examiner to attend to these matters.

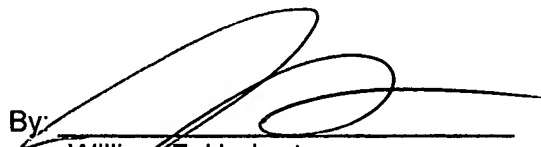
Respectfully submitted,

STAAS & HALSEY LLP

Date: \_\_\_\_\_

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